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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID RASMUSSEN, an individual, on
behalf of himself and all others similarly
situated

Case No.: 5:19-cv-04596-BLF

Plaintiffs,
v.
TESLA, INC., a Delaware corporation.

**STIPULATION AND [PROPOSED] ORDER TO
CONTINUE STAY PENDING MEDIATION**

Defendant.

STIPULATION AND [PROPOSED] ORDER TO CONTINUE STAY PENDING MEDIATION

CASE NO.: 5:19-cv-04596-BLF

1 Plaintiff David Rasmussen (“Plaintiff”) and Defendant Tesla, Inc. (“Defendant”), through their
2 undersigned counsel, hereby stipulate as follows:

3 WHEREAS, on August 7, 2019, Plaintiff filed Class Action Complaint;

4 WHEREAS, on April 1, 2020, pursuant to the parties’ stipulation, the Court continued the stay of
5 the case pending mediation until May 29, 2020, set Defendant’s deadline to respond to Plaintiff’s Class
6 Action Complaint to June 23, 2020, and continued the Case Management Conference to July 9, 2020
7 (ECF No. 27);

8 WHEREAS, the parties previously scheduled a mediation for May 27, 2020, but given the
9 current COVID-19 pandemic, they have instead agreed to a mediation on June 25, 2020 with the Hon.
10 Daniel Weinstein and Cathy Yanni of JAMS, Inc.;

11 WHEREAS, the parties desire to preserve the status quo and prevent the parties and the Court
12 from unnecessarily expending resources pending mediation;

13 WHEREAS, the parties further agree that either party may terminate the stay upon written notice
14 to the opposing party. In that event, Defendant’s response to Plaintiff’s Class Action Complaint shall be
15 due 21 days thereafter, and the parties shall promptly propose a new date for the Case Management
16 Conference;

17 THEREFORE, subject to the approval of the Court, the parties agree and stipulate as
18 follows: This matter shall be stayed until June 29, 2020 to facilitate the parties’ mediation. The
19 parties shall submit a report to the Court on or before that date regarding the outcome of the
20 mediation. Defendant’s deadline to respond to Plaintiff’s Class Action Complaint shall be
21 July 23, 2020 and the Case Management Conference currently scheduled for July 9, 2020, shall
22 be continued to July 30, 2020 at 11:00 a.m., or as soon thereafter as shall be convenient for the
23 Court. If, however, either party terminates the stay, Defendant’s response to the Class Action
24 Complaint shall be due 21 days thereafter and the parties shall promptly submit a proposed date
25 for the Case Management Conference.

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27 IT IS SO STIPULATED.
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1 Dated: May 29, 2020

Respectfully submitted,

2 By: /s/ Sean P. Gates

3 Sean P. Gates
4 CHARIS LEX P.C.
5 Attorneys for Defendant
TESLA, INC.

6 Dated: May 29, 2020

Respectfully submitted,

8 By: /s/ Edward C. Chen

9 Edward C. Chen
10 LAW OFFICE OF EDWARD C. CHEN
11 Attorneys for Plaintiff
DAVID RASMUSSEN

12 Dated: May 29, 2020

Respectfully submitted,

14 By: /s/ Nimish R. Desai

15 Nimish R. Desai
16 LIEFF CABRASER HEIMANN &
17 BERNSTEIN, LLP
18 Attorneys for Plaintiff
19 DAVID RASMUSSEN

ECF ATTESTATION

I, Sean Gates, am the ECF User whose ID and password are being used to file the foregoing STIPULATION AND [PROPOSED] ORDER TO STAY CASE PENDING MEDIATION. In compliance with Local Rule 5-1, I hereby attest that Nimish Desai and Edward C. Chen have concurred in this filing.

Dated: May 29, 2020

By: /s/ Sean P. Gates

Sean P. Gates
CHARIS LEX P.C.
Attorneys for Defendant
TESLA, INC.

1 **[PROPOSED] ORDER**

2 PURSUANT TO STIPULATION, IT IS SO ORDERED that this matter shall be stayed until
3 June 29, 2020 to facilitate the parties' mediation. The parties shall submit a report to the Court on or
4 before that date regarding the outcome of the mediation. Defendant's deadline to respond to Plaintiff's
5 Class Action Complaint shall be July 23, 2020 and the Case Management Conference currently
6 scheduled for July 9, 2020, shall be continued to July 30, 2020 at 11:00 a.m. If, however, either party
7 terminates the stay, Defendant's response to the Class Action Complaint shall be due 21 days thereafter
8 and the parties shall promptly submit a proposed date for the Case Management Conference.

9 Dated: June 1, 2020

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11 _____

12 Honorable Beth L. Freeman
13 Judge of the United States District Court

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